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MINISTRY OF TREASURY, ECONOMICS
AND INTERGOVERNMENTAL AFFAIRS

LOCAL GOVERNMENT DIVISION

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PROCEDURE BY-LAW



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AND INTERGOVERNMENTAL AFFAIRS

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Introduction

The main purpose of this bulletin is to provide samples of procedure by-laws for consideration or use by municipalities.

Those municipalities that have already enacted a procedure by-law may find this bulletin helpful when reviewing the content and wording of that by-law.

Municipalities considering adopting a procedure by-law may wish to use the samples as a guide, though of course the samples would be modified to suit local circumstances and practices.

The Benefits of a Procedure By-Law

As can be seen by a quick glance at the samples at the back, procedure by-laws are longer and more detailed than most other by-laws that a council would consider.

The fact that they are long and detailed is one reason why many councils have been reluctant to accept them. Some councils feel, in addition, that a procedure by-law will make their meetings too formal, too restrictive, and that open debate will not be allowed. The onus is on the head of council, they feel, to make sure that past practices are followed.

More and more frequently, however, councils are recognizing that the informality that may exist in some council meetings is self-defeating. Even in the small municipality, where council business may not be voluminous, residents may question the council's practices. They may feel that unwritten and unrecognized rules are easily broken and that council's decisions are inconsistent and sometimes unfair. This has led to challenges of council actions in the courts.

Councils that have enacted procedure by-laws generally find more efficient use of their meeting time; extraneous debate on unrelated topics is usually lessened. Meetings are more orderly and easier to follow -- a benefit not only to the councillors but to the staff and members of the press and public. Like any well-managed meeting, council meetings are more productive, rewarding, and impressive when guided by a procedure by-law.

Where to Start

There are two samples of procedure by-laws in this bulletin. The first covers the basic items such as notice of meetings, order of business, conduct, and curfew. The second is more detailed, designed to cover most procedural question and issues that might arise in council or committee meetings. Although it would be desirable to have a by-law that covers all predictable problems, many councils have found it more successful to start with a more concise version. Additional clauses drawn from the detailed sample attached can always be added as the value of the by-law becomes more evident.

Adopting a shorter version, whether the sample provided here or your own modification of it, will also allow council to discuss each clause and become familiar with the content and intent. This degree of understanding at the start will help council to use the by-law more quickly and easily.

Maintaining Effectiveness

Those municipalities that report satisfaction with their procedure by-law find that they use it actively and are constantly "fine-tuning" the by-law to meet their needs. A procedure by-law should not become static and out-of-date because it fails to meet changing conditions. Reviewing and up-dating it by the council and the clerk will help keep it useful and used.

Additional Material Available

For those who wish to study this subject in greater depth the following material may be helpful.

- a) Bourinot's Rules of Order. Revised by J. G. Dubroy, McClelland and Stewart, Toronto
- b) Municipal Councillors' Handbook. I. MacF. Rodgers, Q.C., Carswell Company, Toronto
- c) Standing Orders of the Legislative Assembly of Ontario. Clerk of the House, Queen's Park, Toronto
- d) Roberts Rules of Order. Pyramid Publications, Inc. 919 Third Avenue, New York, New York 10022, U.S.A.
- e) Modern Rules of Order. Fawcett Publications, Inc., Greenwich, Conn. U.S.A.
- f) How to Conduct a Meeting. The Dun and Bradstreet Business Library. Thomas Y. Crowell Company, New York, New York. U.S.A.

SAMPLE PROCEDURE BY-LAW I

A By-Law
to govern the proceedings
of Council and Committees

The Council of the Corporation of the _____
(name of municipality)
enacts as follows:

1. In this by-law

(A) "Clerk" means the Clerk of the

(name of municipality)

(B) "Council" means the Council of the

(name of municipality)

(C) "Head" of Council means the

(mayor or reeve
as case may be)

2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof, provided that the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

COUNCIL MEETINGS

3. Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purpose. The Inaugural Meeting of Council shall take place at _____ (time) on the _____ (date) of December following the election.

The next and each succeeding regular meeting of Council shall be held on the _____ of each month at 7:00 p.m.

4. When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.
5. The Head of Council may at any time summon a special meeting of Council on 48 hours notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Forty-eight hours notice of all special meetings of Council shall be given to the Members through the Clerk's Office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
6. In the case of the absence of the Head of the Council from the Municipality, or if he is absent through illness, or he refuses to act or his office is vacant, a Councillor shall be appointed to act from time to time in the place and stead of the Head of the Council and he shall have all the rights, powers, and authority of the Head of Council, while so doing.

CALLING OF MEETING TO ORDER AND QUORUM

7. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.

ABSENCE OF HEAD OF COUNCIL

8. Subject to the provisions of The Municipal Act, and where no Presiding Officer has been appointed under Clause 6 of this by-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the Members to order and an acting Head of Council shall be appointed from among the Members present and he shall preside until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

NO QUORUM

9. If no quorum is present one half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

CURFEW

10. No item of business may be dealt with at a Council meeting after eleven (11) p.m.

THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

11. It shall be the duty of the Head of Council or other Presiding Officer,
 - (a) to open the meeting of Council by taking the chair and calling the Members to order,
 - (b) to announce the business before the Council in the order in which it is to be acted upon,
 - (c) to receive and submit, in the proper manner, all motions presented by the Members of Council,
 - (d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
 - (e) to decline to put to vote motions which infringe the rules of procedure,
 - (f) to restrain the Members, within the rules of order, when engaged in debate,
 - (g) to enforce on all occasions the observance of order and decorum among the Members,
 - (h) to call by name any Member persisting in breach of the rules or order of the Council, thereby ordering him to vacate the Council Chamber,
 - (i) to receive all messages and other communications and announce them to the Council,
 - (j) to authenticate, by his signature when necessary, all by-laws, resolutions, and minutes of the Council,

- (k) to inform the Council, when necessary or when referred to for the purpose, on a point of order or usage,
- (l) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
- (n) to adjourn the meeting when the business is concluded,
- (o) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

AGENDA

12. The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda under the following headings:

- (a) Prayer
- (b) Disclosure of Interest
- (c) Minutes of the previous meeting
- (d) Deputations
- (e) Correspondence
- (f) Reports of Municipal Officers
- (g) Reports of Committees
- (h) Petitions
- (i) Unfinished Business
- (j) By-laws
- (k) Motions and Notices of Motion
- (l) Adjournment

13. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.

MINUTES

14. Minutes shall record:
 - a. The place, date and time of meeting;
 - b. The names of the Presiding Officer or officers and record of the attendance of the Members;
 - c. The reading, if requested, correction and adoption of the minutes of prior meetings;
 - d. All other proceedings of the meeting without note or comment.

PETITIONS AND COMMUNICATIONS

15. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

DEPUTATIONS

16. Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and may be heard by leave of the Presiding Officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.

READING OF BY-LAWS AND PROCEEDINGS THEREON

17. No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
18. Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the by-law.
19. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with provisions of any act and shall be complete with the exception of the number and date thereof.
20. Every by-law shall have three readings prior to it being passed.
21. The first reading of a by-law shall be decided without amendment or debate.
22. If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
23. If Council so determines, a by-law may be taken as read.
24. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
25. Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his office for safekeeping.

MOTIONS

26. Notices of Motion - Notice of all new motions except motions listed in Clauses 39 and 40 shall be give in writing delivered to the Clerk at least six (6) calendar days, excluding Saturdays and statutory holidays, preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.

27. Dispensing with Notice - Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Members present and voting.
28. Seconding - A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the minutes.
29. Presentation of Motion by Chairman - When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
30. Amendment - A motion to amend
 - shall be presented in writing,
 - shall receive disposition of Council before a previous amendment or the question,
 - shall not be further amended more than once provided that further amendment may be made to the main question,
 - shall be relevant to the question to be received,
 - shall not be received proposing a direct negative to the question,
 - may propose a separate and distinct disposition of a question,
 - shall be put in the reverse order to that in which it is moved.

VOTING ON MOTIONS

31. Questions Stated - Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.
32. No Interruption after Question - After a question is finally put by the Presiding Officer no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

33. Unrecorded Vote - The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
34. Recorded Vote - When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before an unrecorded vote is taken.

RULES OF DEBATE

35. Every Member prior to speaking to any question or motion shall rise from his seat and address the Presiding Officer. When two or more Members rise to speak, the Presiding Office shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, rose first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute.
36. When the Presiding Officer calls for the vote on a question, each Member shall occupy his seat and shall remain in his place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
37. When a Member is speaking no other Member shall pass between him and the Chair or interrupt him except to raise a point of order.
38. Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
39. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:
 - (i) a point of order or personal privilege;
 - (ii) presentations of petitions;
 - (iii) to lay on the table;
 - (iv) to postpone indefinitely or to a day certain;
 - (v) to move the previous question.

40. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- (i) to refer;
 - (ii) to adjourn;
 - (iii) to amend;
 - (iv) to suspend the Rules of Procedure.
41. Except as provided by Clause 39 above, all motions shall be in writing and signed by the mover and seconder.
42. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

POINTS OF ORDER AND PRIVILEGES

43. The Presiding Officer shall preserve order and decide questions of order.
44. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

CONDUCT OF MEMBERS OF COUNCIL

45. No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.
46. No Member shall
- (i) use offensive words or unparliamentary language in or against the Council or against any Member,
 - (ii) speak on any subject other than the subject in debate;
 - (iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
 - (vi) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;

and in case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his seat for the duration of the meeting of the Council" but if the Member apologizes he may, by vote of the Council, be permitted to retake his seat.

47. No person except Members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.
48. When the Chair is putting the question no Member shall leave or make a disturbance.

SUSPENSION OF RULES

49. Any procedure required by this by-law may be suspended with consent of a majority of the Members of the Council present.

AMENDMENT

50. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

EFFECTIVE DATE

51. This by-law shall become effective upon the date of enactment.
52. Where any by-law passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.

Read a first, second, third time and finally passed
this _____ (date)

Mayor or Reeve

Clerk

SAMPLE PROCEDURE BY-LAW II

A By-Law
to govern the proceedings
of Council and Committees

The Council of the Corporation of the _____
(name of municipality)
enacts as follows:

1. In this by-law

- (A) "Clerk" means the Clerk of the

(name of municipality)
- (B) "Council" means the Council of the

(name of municipality)
- (C) "Head of Council" means the _____
(mayor or reeve
as case may be)
- (D) "Recorded Vote" means the recording of the
name and vote of every Member on any matter
of question.
- (E) "Substantive Motion" means any motion except
the following:
- (i) To extend the time of the meeting;
 - (ii) To refer;
 - (iii) To amend;
 - (iv) To lay on the table or defer;
 - (v) To postpone indefinitely or to set a specific
day;
 - (vi) To adjourn.

2. The rules and regulations contained in this By-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committees thereof, provided that the rules and regulations contained herein may be suspended by a vote of the Council and in any case for which provision is not made herein the procedure to be followed shall be, as near as may be, that followed in the Legislative Assembly of Ontario and its Committees.

COUNCIL MEETINGS

3. Meetings of the Council shall be held at the Council Chambers adopted and used by the Council from time to time for such purpose. The Inaugural Meeting of Council shall take place at _____ (time) on the _____ (date) of December following the election.

The next and each succeeding regular meeting of Council shall be held on the _____ of each month at 7:00 p.m., unless Council by resolution directs otherwise, in which case a notice shall be posted in the municipal offices advising of the time and place.
4. When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not public or civic holiday.
5. The Head of Council may at any time summon a special meeting of Council on 48 hours notice to the Members of Council, or, upon receipt of the petition of the majority of the Members of the Council, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. Forty-eight hours notice of all special meetings of Council shall be given to the Members through the Clerk's Office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
6. In the case of the absence of the Head of the Council from the Municipality, or if he is absent through illness, or he refuses to act or his office is vacant, a Councillor shall be appointed to act from time to time in the place and stead of the Head of the Council and he shall have all the rights, powers, and authority of the Head of Council, while so acting.

CALLING OF MEETING TO ORDER AND QUORUM

7. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Head of Council shall take the Chair and call the meeting to order.

ABSENCE OF HEAD OF COUNCIL

8. Subject to the provisions of The Municipal Act, and where no Presiding Officer has been appointed under clause 6 of this by-law, in case the Head of Council does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the Members to order and an acting Head of Council shall be appointed from among the Members present and he shall preside until the arrival of the Head of Council and while so presiding the acting Head of Council shall have all the powers of the Head of Council.

NO QUORUM

9. If no quorum is present one half hour after the time appointed for a meeting of the Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.

CURFEW

10. No item of business may be dealt with at a Council meeting after eleven (11) p.m.

THE CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

11. It shall be the duty of the Head of Council or other presiding officer,
 - (a) to open the meeting of Council by taking the chair and calling the Members to order,
 - (b) to announce the business before the Council in the order in which it is to be acted upon,
 - (c) to receive and submit, in the proper manner, all motions presented by the Members of Council,

- (d) to put to vote all questions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result,
- (e) to decline to put to vote motions which infringe the rules of procedure,
- (f) to restrain the Members, within the rules of order, when engaged in debate,
- (g) to enforce on all occasions the observance of order and decorum among the Members,
- (h) to call by name any Member persisting in breach of the rules of order of the Council, thereby ordering him to vacate the Council Chamber,
- (i) to receive all messages and other communications and announce them to the Council,
- (j) to authenticate, by his signature when necessary, all by-laws, resolutions, and minutes of the Council,
- (k) to inform the Council, when necessary or when referred to for the purpose, in a point of order or usage,
- (l) to represent and support the Council, declaring its will, and implicitly obeying its decisions in all things,
- (m) to ensure that the decisions of Council are in conformity with the laws and by-laws governing the activities of the Council,
- (n) to adjourn the meeting when the business is concluded,
- (o) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.

AGENDA

- 12. The Clerk shall have prepared and printed for the use of the Members at the regular meetings of Council an agenda under the following headings:
 - (a) Prayer
 - (b) Disclosure of Interest
 - (c) Minutes of the previous meeting

- (d) Deputations
 - (e) Correspondence
 - (f) Reports of Municipal Officers
 - (g) Reports of Committees
 - (h) Petitions
 - (i) Unfinished Business
 - (j) By-laws
 - (k) Motions and Notices of Motion
 - (l) Adjournment
13. When it appears that any matter may be more conveniently considered in Committee of the Whole, Council may on motion resolve into a Committee of the Whole, and the proceedings taken in Committee when adopted by Council shall be deemed to be proceedings of Council. The Head of Council may preside in the Committee of the Whole or may designate another Member to preside.
 14. Any Member of Council, at any time prior to the preparation of the agenda, may file in writing an item for inclusion in the agenda under new business.
 15. The business of the Council shall in all cases be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.
 16. An item of business not listed on the Council agenda cannot be introduced at a Council meeting without the approval of Council expressed by motion.
 17. All motions called in pursuance of the agenda and not disposed of shall be placed at the foot of the list of motions unless otherwise decided by Council.

MINUTES

18. Minutes shall record:
 - a. The place, date and time of meeting;
 - b. The names of the Presiding Officer or officers and record of the attendance of the Members;

- c. The reading, if requested, correction and adoption of the minutes of prior meetings;
 - d. All other proceedings of the meeting without note or comment.
19. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting, and all special and Standing Committee meetings held more than five (5) days prior to a regular meeting, together with the agenda prepared in accordance with Clause 12 are mailed or delivered to each Member not less than forty-eight (48) hours before the hour appointed for the holding of such regular meeting.
20. Such minutes as referred to in Clause 19 may be adopted by Council without having been read at the meeting considering the question of their adoption, and in other cases, the minutes shall be read prior to consideration of adoption.

PETITIONS AND COMMUNICATIONS

21. Every communication, including a petition designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.
22. Every petition or communication shall be delivered to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council.
23. The Clerk shall read the substance thereof to the Council but any Member may require the reading of part or all thereof.
24. All petitions or communications on any subject within the cognizance of a Standing Committee shall on presentation, unless otherwise disposed of by Council forthwith, be considered as referred to the appropriate Committee as the case may be without any motion or debate unless otherwise ordered by Council.

DEPUTATIONS

25. Persons desiring to present information verbally on matters of fact or make a request of Council shall give notice to the Clerk not less than forty-eight (48) hours before the commencement of the meeting of the Council and may be heard by leave of the Presiding Officer of Council, but shall be limited in speaking to not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes.

COMMITTEE REPORTS

26. Committee Reports shall not be received by the Council unless received by the Members in accordance with Clause 19 and may be recommitted to the same or a different Committee.

UNFINISHED BUSINESS

27. The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council, unless removed from the agenda by leave of the Council.

READING OF BY-LAWS AND PROCEEDINGS THEREON

28. No by-law except a by-law to confirm the proceedings of Council shall be presented to Council unless the subject matter thereof has been considered and approved by Council.
29. Every by-law shall be introduced upon motion by a Member of the Council, specifying the title of the by-law.
30. Every by-law when introduced shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any act and shall be complete with the exception of the number and date thereof.
31. Every by-law shall have three readings prior to it being passed.

32. The first reading of a by-law shall be decided without amendment or debate.
33. If the Council determines that the by-law is to be considered in Committee of the Whole, it shall be so considered previous to the third reading thereof.
34. In proceedings in Committee of the Whole upon by-laws, each section shall be considered in its proper order, inclusive of the title and recitals.
35. If Council so determines, a by-law may be taken as read.
36. The Clerk shall set out on all by-laws enacted by Council the date of the several readings thereof.
37. All amendments made in Committee of the Whole shall be reported by the Chairman to the Council which shall receive the same forthwith and after the report has been received a by-law shall be open to debate and amendment before it is ordered for the third reading.
38. When a by-law is reported without amendment it shall be forthwith ordered to be read the third time at such time as may be appointed by the Council.
39. Every by-law enacted by the Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his office for safekeeping.

MOTIONS

40. Notices of Motion - Notice of all new motions except motions listed in Clauses 82 and 83 shall be given in writing delivered to the Clerk at least six (6) calendar days, excluding Saturdays and statutory holidays, preceding the date of the meeting at which a motion is to be introduced and a motion shall be printed in full in the agenda for that meeting of the Council and each succeeding meeting until the motion is considered or otherwise disposed of. The motion shall be submitted to the Clerk in writing over the signature of the mover and seconder and shall be complete and correct.
41. When a Member's notice of motion has been called from the Chair two successive meetings and not proceeded with, it shall be dropped from the agenda unless Council otherwise decides.

42. If at the third meeting such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.
43. Dispensing with Notice - Any motion may be introduced without notice if the Council, without debate, dispenses with notice on the affirmative vote of at least a simple majority of the Members present and voting.
44. Seconding - A motion must be formally seconded before the Presiding Officer can put the question or a motion be recorded in the minutes.
45. Presentation of Motion by Chairman - When a motion is presented in Council in writing, it shall be read or if it is a motion which may be presented orally, it shall be stated by the Presiding Officer before debate.
46. Ultra Vires - A motion in respect of a matter which is beyond the jurisdiction of the Council shall not be in order.
47. Withdrawal - After a motion is read or stated by the Chairman it shall be deemed to be in possession of the Council but may, with the permission of the Council, be withdrawn at any time before decision or amendment.
48. Priority of Disposition - A motion properly before the Council for decision must receive disposition before any other motion can be received except motions in respect of matters listed in Clauses 82 and 83.
49. Procedure Next Meeting - A motion called in the order in which it stands upon the agenda of the routine of business of a meeting and which is not decided by Council shall be allowed to stand retaining its precedence upon the agenda of the routine of business of the next regular meeting of the Council.
50. Reference to a Committee - A motion to refer a matter under discussion by the Council to a Committee of the Council shall preclude all amendments of the main question until it is decided.
51. Amendments - A motion to amend
 - shall be presented in writing,
 - shall receive disposition of Council before a previous amendment or the question,
 - shall not be further amended more than once provided that further amendment may be made to the main question,
 - shall be relevant to the question to be received,

- shall not be received proposing a direct negative to the question,
- may propose a separate and distinct disposition of a question,
- shall be put in the reverse order to that in which it is moved.

52. The Previous Question - A motion for the previous question

- cannot be amended,
- cannot be proposed when there is an amendment under consideration,
- shall preclude all further amendments of the main question,
- when resolved in the affirmative, the question is to be put forthwith without debate or amendment,
- can only be moved in the following words, "that the question be now put", and
- may be voted against by the mover and seconder.

53. Motion to Adjourn - A motion to adjourn

- shall always be in order except as provided by these rules,
- when resolved in the negative, cannot be made again until after some intermediate proceedings shall have been completed by Council,
- is not in order when a Member is speaking or during the verification of a vote,
- is not in order immediately following the affirmative resolution of a motion for the previous question.

54. Privilege - A motion on a matter of privilege shall receive disposition of Council forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.

55. Motion to refer - A motion to refer back a question to Committee with or without instructions may be amended but must receive disposition by Council before the question, or an amendment to the question, and when made prior thereto, before decision on a motion for the previous question or postponement.

56. Motion to Divide - A motion containing distinct proposals may be divided by leave of Council.

RECONSIDERATION

57. Any substantive motion may be reconsidered if, upon the putting of the substantive motion, the minority vote comprised not less than one-third of the Members present and voting.
58. After a substantive motion has been decided, any Member who voted or is deemed to have voted thereon may at any time prior to adjournment of the meeting at which such substantive motion was decided give notice in writing that he will move at the first meeting held thereafter for a reconsideration thereof.
59. The Council may immediately, upon such notice having been given, vote as to whether or not such notice or reconsideration be entertained.
60. After such notice has been given and accepted, no action shall be taken to carry into effect the main motion until after the motion to reconsider has been disposed of.
61. Every motion for reconsideration considered at a subsequent meeting shall be declared lost, unless the majority of the Council vote therefore.
62. No discussion of the main question shall be allowed upon an accepted notice of reconsideration or upon the motion to reconsider unless and until the Council shall have voted to reconsider the same, but the Member who gives the notice may have the privilege of stating his reasons for doing so.
63. No question upon which a notice of reconsideration has been accepted shall be considered more than once, nor shall a vote to reconsider be reconsidered.
64. The words "the first meeting held thereafter" in Clause 58 shall mean the first regular meeting of the Council or a meeting called specially to consider the accepted motion of reconsideration of which notice has been given.

VOTING ON MOTIONS

65. Questions Stated - Immediately preceding the taking of the vote, the Presiding Officer may state the question in the form introduced and shall do so if required by a Member except when a motion for the previous question has been resolved in the affirmative. He shall state the question in the precise form in which it will be recorded in the minutes.
66. No Interruption after Question - After a question is finally put by the Presiding Officer no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the results has been declared.
67. Division of Question - A separate vote shall be taken upon each proposal contained in a question divided with leave of the Council.
68. Vote not allowed - A Member not present before the result of the division on a question is declared shall not be entitled to vote on that question.
69. Unrecorded Vote - The manner of determining the decision of the Council on a motion shall be at the discretion of the Presiding Officer and may be by voice, show of hands, standing or otherwise.
70. Recorded Vote - When a Member present requests a recorded vote, all Members present at the Council or Committee meeting must vote in alphabetical order, unless otherwise prohibited by statute. The names of those who voted for and others who voted against shall be noted in the minutes. The Clerk shall announce the results. A request for a recorded vote can only be made before an unrecorded vote is taken except as set out in Clause 74.

RULES OF DEBATE

71. Every Member prior to speaking to any question or motion shall rise from his seat and address the Presiding Officer. When two or more Members rise to speak, the Presiding Officer shall designate the Member who has the floor who shall be the Member who, in the opinion of the Presiding Officer, rose first. Every Member present at a meeting of the Council when a question is put shall vote thereon unless prohibited by statute.
72. When a recorded vote is requested by a Member, or is otherwise required, the Clerk shall record the name and vote of every Member on any matter or question.

73. If any Member at a meeting of the Council when a question is put and a recorded vote taken does not vote, he shall be deemed as voting in the negative except where he is prohibited from voting by statute.
74. If a Member disagrees with the announcement of the Presiding Officer that a question is carried or lost he may, but only immediately after the declaration by the Presiding Officer, appeal the declaration and request that a recorded vote be taken.
75. When the Presiding Officer calls for the vote on a question, each Member shall occupy his seat and shall remain in his place until the result of the vote has been declared by the Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
76. When a Member is speaking no other Member shall pass between him and the Chair or interrupt him except to arise a point of order.
77. Any Member may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
78. No Member shall speak more than once to the same question without leave of the Council, except that a reply shall be allowed to be made only by a Member of the Council who has presented the motion to the Council, but not by any Member who has moved an amendment or a procedural motion.
79. No Member, without leave of the Council, shall speak to the same question, or in reply, for longer than ten minutes.
80. A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and such question must be stated succinctly and asked only of the previous speaker.
81. Notwithstanding Clause 80, when a Member has been recognized as the next speaker, then immediately before speaking such Member may ask a question of the Presiding Officer or an official of the Municipality on the matter under discussion but only for the purpose of obtaining information, following which the Member shall speak.
82. The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these Rules of Procedure:

- (i) a point of order or personal privilege;
 - (ii) presentations of petitions;
 - (iii) to lay on the table;
 - (iv) to postpone indefinitely or to a day certain;
 - (v) to move the previous question.
83. The following motions may be introduced without notice and without leave, but such motions shall be in writing and signed:
- (i) to refer;
 - (ii) to adjourn;
 - (iii) to amend;
 - (iv) to suspend the Rules of Procedure.
84. Except as provided by Clause 82 above, all motions shall be in writing and signed by the mover and seconder.
85. In all unprovided cases in the proceedings of the Council or in the Committee of the Whole, the matter shall be decided by the Presiding Officer, subject to an appeal to the Council upon a point of order.

POINTS OF ORDER AND PRIVILEGE

86. The Presiding Officer shall preserve order and decide questions of order.
87. When a Member rises to a point of order he shall ask leave of the Presiding Officer to raise a point of order and after leave is granted he shall state the point of order to the Presiding Officer and sit down and remain seated until the Presiding Officer shall have stated and decided the point of order.
88. Thereafter, a Member shall only address the Chair for the purpose of appealing the Presiding Officer's decision to the Council.
89. If no Member appeals, the decision of the Presiding Officer shall be final.
90. The Council, if appealed to, shall decide the question without debate and its decision shall be final.

91. Where a Member considers that his integrity or the integrity of the Council as a whole has been impugned, he may as a matter of personal privilege rise at any time, with the consent of the Presiding Officer, for the purpose of drawing the attention of the Council to the matter.

CONDUCT OF MEMBERS OF COUNCIL

92. No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any Member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

93. No Member shall

- (i) use offensive words or unparliamentary language in or against the Council or against any Member;
- (ii) speak on any subject other than the subject in debate;
- (iii) criticize any decision of the Council except for the purpose of moving that the question be reconsidered;
- (iv) disobey the rules of the Council or a decision of the Presiding Officer or of the Council on questions of order or practice or upon the interpretation of the rules of the Council;

and in case a Member persists in any such disobedience after having been called to order by the Presiding Officer, the Presiding Officer may forthwith put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave his seat for the duration of the meeting of the Council" but if the Member apologizes he may, by vote of the Council, be permitted to retake his seat.

94. No person except Members and officers of the Council shall be allowed to come within the bar during the sittings of the Council without permission of the Presiding Officer or the Council upon reference.
95. When the Chair is putting the question no Member shall leave or make a disturbance.

COMMITTEE OF THE WHOLE

96. The Presiding Officer may appoint another Member of the Committee to act as Committee Chairman while he is speaking to a question or while he is temporarily absent from the meeting.
97. The Committee Chairman shall maintain order in the Committee and report the proceedings to the Council.
98. The rules governing the procedure of the Council and the conduct of Members in Council shall be observed in Committee so far as they are applicable, except that:
 - (i) Motions may be moved orally except where the Presiding Officer requests that the motion be in written form.
 - (ii) A seconder shall not be required on motions.
99. The number of times of speaking on any question shall not be limited unless a Member moves that the vote be now taken.
100. No Member shall speak more than once except to make an explanation until every Member who desires to speak shall have spoken.
101. If a Member disobeys the rules of the Council or the decision of the Committee Chairman on questions of order or practice, or upon interpretation of the rules of the Council and persists in such disobedience after having been called to order by the Committee Chairman, the Committee Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the Council, and the Presiding Officer shall forthwith put the question, no amendment, adjournment or debate being allowed, "That such Member be ordered to leave his seat for the duration of the meeting of the Council", but if the Member apologizes, he may be vote of the Council, be permitted to retake his seat.

STANDING COMMITTEES

102. There shall be the following Standing Committees of Council:

(List the committees and the number of members on each and method of appointment).

103. Each Standing Committee shall elect a Chairman and Vice-Chairman from among its elected members to serve for a period of one term or at the pleasure of the Committee and in the event of a vacancy occurring in the Chairmanship of the Standing Committee, the Committee shall elect a substitute Chairman from among its elected members to hold office for the remainder of the term.
104. In the event of a vacancy occurring in the office of a Member of the Standing Committee during any term, the Council shall appoint a substitute member to such Committee for the remainder of the term.
105. The Chairman of each Committee and the members thereof shall hold office until their successors are appointed.
106. A quorum in any Committee is a majority of the voting members of the Committee.
107. A Standing Committee of Council shall meet in accordance with the schedule of meetings as adopted by Council.
108. Special meetings of a Standing Committee may be called by the Committee Chairman with at least 48 hours notice whenever he may consider it necessary to do so, or it shall be the duty of the Clerk to summon a special meeting of the Committee whenever request in writing to do so by a quorum of the Members of the Committee.
109. The Chairman of a Standing Committee may, at his discretion, refer a matter of urgent nature to the Council, or the Committee of the Whole, which due to the time element, cannot be properly presented to the next regular meeting of a Committee.
110. The Committee Chairman, or in his absence, the Vice-Chairman or such other Member of the Committee as may be chosen by the Committee, shall preside at every meeting and may vote on all questions submitted and in the case of an equal division, the question shall be deemed to have been decided in the negative.
111. In the absence of the Committee Chairman and Vice-Chairman for a period of fifteen (15) minutes after the time appointed for the holding of a meeting of the Committee, one of the other Members of the Committee, if there be a quorum present, may be appointed and shall discharge the duties of the Committee Chairman during the meeting or until the arrival of the Committee Chairman.

112. If there be no quorum present thirty (30) minutes after the time appointed for the meeting, the meeting shall stand adjourned at the call of the Committee Chairman.
113. A quorum is majority of the voting Members of the Committee.
114. It shall be the duty of each Committee to adhere to the transaction of all business according to the rules governing the procedure in the Committee of the Whole as prescribed by this By-Law.
115. When a point of order is raised or when a Member is called to order in a Committee, the same procedure shall be adopted as in Council, except that the question shall be decided by the Committee Chairman, subject to an appeal to the Members of the Committee.
116. The Committee Chairman shall be entitled to vote at meetings thereof as a Member of such Committee but shall not have a second or casting vote in the event of an equality of votes on any question.
117. The Committee Chairman or in his absence the Vice-Chairman shall act as spokesman for the Committee at Council and other appropriate meetings.
118. A Standing Committee may appoint a special committee from its members to investigate and report on any matters related to Committee business, provided that -
 - (a) the special committee, in all cases, reports directly to the appointing Committee, and
 - (b) the established special committee does not have the power to appoint additional subcommittees, nor shall it add to its membership without permission from the original Standing Committee.
119. The Clerk shall be the Secretary of all Standing Committees of Council but he may assign his duties as Secretary of any Committee to an employee in his Department.
120. A copy of the minutes of each Standing Committee shall be forwarded to the Council.
121. It shall be the duty of the Secretary -
 - (a) to give notice of each regular meeting of the Standing Committee together with an agenda of the matter to be considered so that such notice

and agenda will reach the members at their addresses as recorded in the Council records not later than one working day preceding the day of the meeting.

- (b) to give notice of each special meeting of the Standing Committee together with an agenda of of the matters to be considered so that such notice and agenda will reach the members at their addresses as recorded in the Council records not later than 24 hours preceding the time set for the special meeting.

122. Deputations may address a Committee by requesting the Clerk of the Municipality, or his appointee, to place their name in deputation on the agenda for the particular meeting. Notwithstanding the above and at the Committee's discretion, any deputations other than those listed may be heard on any item appearing on the agenda. The Priority in which deputations are heard by the Committee shall be in accordance with the following:

- (a) known and listed deputations arranged for prior to distribution of agenda,
- (b) deputations who, subsequent to the preparation of the agenda and prior to the commencement of a meeting, apply to the Secretary to be heard on a particular matter;
- (c) deputations who appear at a meeting and are not identified until such times as a particular item comes forward for discussion.

123. The rules governing the procedure of the Council and the conduct of Members of Council shall be observed in a meeting of a Standing Committee insofar as they are applicable, provided that:

- (a) a motion shall not be required to be seconded,
- (b) the number of times a Member may speak on any question shall not be limited,
- (c) no Member shall speak more than once to an item of business until every member who desires to speak has spoken,
- (d) at the request of any Member of the Committee present any item on the agenda of the meeting may be re-opened upon a majority of the Members present,

- (e) the vote of any particular item shall not be recorded but that a Member on request may be recorded as being opposed,
- (f) if a member disregards the rules of the Council or a decision of the Chairman of the Standing Committee on questions of order or practice or upon the interpretation of the rules of the Council and persists in such conduct, after having been called to order by the said Chairman, the Chairman shall forthwith put the question with no amendment, adjournment or debate, "that such Member be ordered to leave his seat for the duration of the Committee meeting." If following such vote by the Committee the Member apologizes, he may, by a further vote of the Committee, be permitted to retake his seat.

124. No item of business may be dealt with by a Committee after 11:00 p.m. without the consent of a majority of the members of the Committee.

SUSPENSION OF RULES

125. Any procedure required by this by-law may be suspended with consent of a majority of the Members of Council present.

AMENDMENT

126. No amendment or repeal of this by-law or any part thereof shall be considered at any meeting of the Council unless notice of proposed amendment or repeal has been given at a previous regular meeting of the Council and the waiving of this notice by the Council is prohibited.

EFFECTIVE DATE

127. This by-law shall become effective upon the date of enactment.
128. Where any by-law passed prior to this by-law conflicts with this by-law, the terms of this by-law shall prevail.

Read a first, second, third time and finally passed
this _____ (date)

Mayor or Reeve

Clerk

Do you want more information on this subject? Ask any of the field officers of the Local Government Division. They are located at these addresses:

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